

**DODGE COUNTY LAND RESOURCES AND PARKS COMMITTEE
MINUTES
September 14, 2020**

The Dodge County Land Resources and Parks Committee met on September 14, 2020 at 7:00 p.m. on the 1st Floor of the Administration Building, Juneau, Wisconsin.

Chairman Schaefer called the meeting to order. Roll Call was taken. Members present were Allen Behl, Mary Bobholz, Tom Schaefer and Travis Schultz. Larry Schraufnagel participated by phone. The staff present at the request of the Chairman was and Joseph Giebel.

Other County Board members in attendance: None

The Chairman asked the staff to confirm compliance with the open meeting laws and the public hearing notice requirements. Mr. Giebel noted that the meeting was properly noticed in accord with the open meeting law and noted that the required notices for the public hearings listed on the agenda were posted, mailed and published in accord with the statute and code requirements.

COMMITTEE REVIEW OF PENDING CONDITIONAL USE PERMIT

Philip and Cynthia Konkell – Request for a Conditional Use Permit under the Land Use Code, Dodge County, Wisconsin to allow the construction of an approximate 90' high self-supporting tower on this site for broadband use. The property is located in part of the SW ¼ of the NE ¼, Section 34, Town of Lebanon, the site address being N286 Wiley Road.

Motion by Allen Behl to approve the conditional use permit to allow the construction of an approximate 90' high self-supporting tower on this site for broadband use subject to the following conditions:

1. The proposed tower shall meet or exceed current standards and regulations of the FAA, FCC, and any other agency of the Federal Government with the authority to regulate towers and antennas.
2. The tower and antennas shall not be used for any advertising.
3. The tower shall be designed, structurally, electrically and in all respects to accommodate co-location of both the applicant's antenna(s) and comparable antenna(s) for at least three additional users and shall make access to the tower and tower site for additional users at a fair and reasonable price.
4. Any antenna or tower that is not operated for a continuous period of 12 months shall be considered abandoned. In such circumstances, the owner of such antenna or tower or owner(s) of the property where the tower site is located shall remove said antenna and/or tower, including all supporting equipment and building(s), within 90 days of receipt of notice from the Land Use Administrator notifying the owner of such abandonment.
5. The tower site shall be equipped with an appropriate anti-climbing device sufficient to deter the general public from obtaining access to the site.
6. Any change and/or expansion of the tower site, including any change in height of the tower and antennas above 90' may require that a new conditional use permit be obtained.
7. The tower shall be located a minimum of 50' to the nearest property line.
8. The decision of the Committee shall expire one year after the decision is filed with the Department unless construction has been diligently pursued, a Certificate of Zoning Compliance has been issued, the use is established, or the Conditional Use Permit is renewed, for a period not to exceed one year.
9. The Conditional Use Permit shall also expire upon termination of a project or if the rights granted by the permit are discontinued for 180 consecutive days.

Second by Mary Bobholz Vote 5-0

Motion carried.

The hearing procedures were read into the record.

PUBLIC HEARING

Nathan Austin, agent for Keegan Austin – Request to rezone approximately 3.9-acres of land from the A-1 Prime Agricultural Zoning District to the A-2 General Agricultural zoning district to allow for the creation of two non-farm residential lots at this location. The site is located in part of the NW ¼ of the NE ¼ and part of the SW ¼ of the NE ¼, Section 28, Town of Ashippun, the site address being W1798 County Road O.

Motion by Mary Bobholz to submit a favorable recommendation to the County Board of Supervisors on the request to rezone 3.9-acres of land from the A-1 Prime Agricultural Zoning District to the A-2 General Agricultural zoning district to allow for the creation of two non-farm residential lots at this location.

Second by Travis Schultz Vote 5-0 Motion carried.

PUBLIC HEARING

Mike Stark – Request to rezone approximately 3.6-acres of land from the A-1 Prime Agricultural Zoning District to the A-2 General Agricultural zoning district under the Land Use Code, Dodge County, Wisconsin to allow for the establishment of a salvage yard and storage operation at this location. The site is located in part of the SE ¼ of the NW ¼, Section 3, Town of Lebanon, the site address being W3906 Davidson Road.

Motion by Mary Bobholz to submit a favorable recommendation to the County Board on the request to rezone approximately 3.6-acres of land from the A-1 Prime Agricultural Zoning District to the A-2 General Agricultural zoning district under the Land Use Code, Dodge County, Wisconsin to allow for the establishment of a salvage yard and storage operation at this location.

Second by Allen Behl Vote 5-0 Motion carried.

Mike Stark – Request for a Conditional Use Permit application under the Land Use Code, Dodge County, Wisconsin to allow for the establishment of a salvage yard and storage operation at this location. The site is located in part of the SE ¼ of the NW ¼, Section 3, Town of Lebanon, the site address being W3906 Davidson Road.

Motion by Travis Schultz to approve the conditional use permit to allow for the establishment of a salvage yard and storage operation at this location subject to the following conditions:

1. The business operation shall be conducted without offensive noise, vibration, dust, smoke, odor, glare, lighting or the risk of fire, explosion or other accident and shall not be detrimental to the public health and safety or general welfare of the immediate neighborhood or community.
2. The storage yard area shall be limited to the 3.6-acre area as shown on the site plan.
3. This business shall not be open to the general public for self-service salvage disposal, salvage item drop-off or pick-up, self-service parts removal or other purposes which would result in general public traffic to and from the property. This condition shall not restrict the delivery or removal of vehicles from the property by licensed salvage dealers or the removal of stripped vehicles or salvaged items for disposal.
4. Access to the property shall be limited to a single entrance on Davidson Road;
5. No salvage items/storage piles shall be located within the building setback area which is 75' from the centerline of Davidson Road or 42' from the road right-of-way, whichever distance is greater.
6. One area located within the storage yard shall be designated for the draining of liquids/fluids/gasses from the salvage items. This area shall be designed to limit seepage of fluids and liquids into the ground. A site plan shall be submitted to the Department showing the location of the designated area to be used for the extraction and storage of the fluids and showing the impervious collection area platform.
7. All petroleum products, anti-freeze, and other hazardous waste and gasses used or generated in the operation of the business shall be handled and disposed of in accordance with the Department of Natural Resources and all applicable state and federal laws, regulations and requirements.

8. One maximum 30' X 30' X 10' high area shall be designated within the storage yard area for the storage of tires on this site. All tires shall be stored in this area prior to being disposed of at a licensed tire recycling facility or other approved site. The tires shall be stored in this area in accord with applicable Department of Natural Resources tire storage rules and regulations. A site plan shall be submitted to the Department showing the location of the designated area to be used for the storage of tires.
9. Travel ways and/or driveway access roads through the salvage yard and to the tire storage area shall be maintained to allow for fire and emergency access.
10. Vehicle and salvage item stacking shall not be permitted on the property where the piles are visible from the public right-of-way or adjacent properties.
11. A landscape buffer of trees, fencing or trailer boxes shall be provided along the open areas on the east and south sides of the salvage yard area in order to provide screening from Riverview and Davidson Roads. Existing vegetation may be used to provide the screening from the public roads. A landscaping buffering plan in accord with Section 8.6.7 shall be submitted to the Department for review and approval prior to the issuance of the conditional use permit.
12. A County land use permit shall be obtained for any new construction, for the use of box trailers that are intended to be used for storage or fencing purposes, for any fencing and for any signs that will be located on this property.
13. All exterior lighting shall meet the functional and security needs of the proposed development without adversely affecting adjacent properties. A lighting plan shall be submitted to the Department for review and approval prior to the issuance of the conditional use permit.
14. It shall be the responsibility of the applicant to obtain all other Federal, State and/or local municipality permits and approvals that may be required for the proposed salvage yard operation on this site.
15. Any significant change to or expansion of the business operation beyond the area designated for the storage yard and/or of its facilities may require that a new Conditional Use Permit be obtained.
16. This conditional use permit may be revoked or conditions modified for violations of these conditions or applicable federal, state or county code, law, ordinance, or regulation after the applicant has been notified in writing by the County of the violation(s) and the applicant is given an opportunity to cure the violation.
17. The decision of the Committee shall expire one year after the decision is filed with the Department unless the use has been established, a Certificate of Zoning Compliance has been issued, or the Conditional Use Permit is renewed, for a period not to exceed one year.
18. The Conditional Use Permit shall also expire upon termination of a project or if the rights granted by the permit are discontinued for 180 consecutive days.

Second by Larry Schraufnagel Vote 5-0 Motion carried.

PUBLIC HEARING

New Frontier Land Surveying, agent for Dennis Fleischer – Request for a Conditional Use Permit under the Land Use Code, Dodge County, Wisconsin to allow for the creation of three 1.25-acre nonfarm single family residential lots within the A-1 Prime Agricultural Zoning District. The property is located in part of the SE ¼ of the NE ¼, Section 27, Town of Lomira, along the north side of Breitag Road.

Motion by Allen Behl to approve the conditional use permit to allow for the creation of three 1.25-acre nonfarm single family residential lots within the A-1 Prime Agricultural Zoning District subject to the following conditions:

1. The applicant shall obtain the required land division approvals for the proposed lots from the County and local municipalities if required, prior to the creation of these lots;
2. The total area of the proposed non-farm residential lots shall not exceed 3.81-acres in area unless the lots are successfully rezoned out of the A-1 Prime Agricultural Zoning District;
3. Only one single family residential unit may be constructed on the proposed non-farm residential lots unless the lots are successfully rezoned into a zoning district which allows additional residential units;

4. The acreage of the proposed non-farm residential lots shall count towards the total non-farm residential acreage that can be created from the base farm tract for this property;
5. A "Notice of Zoning Limitations" document shall be recorded with the Dodge County Register of Deeds Office for the following parcel which makes up the "base farm tract" which notifies the potential buyers of this parcel that there may be limitations as to the number of new lots that can be created from this base farm tract:
 - 030-1312-2714-000
6. The owner and subsequent owners of these non-farm residential lots hereby agree to comply with Subsection 9.2, Right to Farm provisions of the Dodge County Land Use Code and that they will not cause unnecessary interference with adjoining farming operations producing agricultural products and using generally accepted agricultural practices, including access to active farming operations;
7. The decision of the Committee shall expire one year after the decision is filed with the Department unless construction has been diligently pursued, a Certificate of Zoning Compliance has been issued, the use is established, or the Conditional Use Permit is renewed, for a period not to exceed one year.
8. The Conditional Use Permit shall also expire upon termination of a project or if the rights granted by the permit are discontinued for 180 consecutive days.

Second by Larry Schraufnagel Vote 5-0 Motion carried.

PUBLIC HEARING

New Frontier Land Surveying, agents for Sherri and John Duckett and Richard, Gerald and Alfred Affeldt – Request for a Conditional Use Permit under the Land Use Code, Dodge County, Wisconsin to allow for the creation of an approximate 3.4-acre nonfarm single family residential lot within the A-1 Prime Agricultural Zoning District. The property is located in part of the NE ¼ of the SW ¼, Section 23, Town of Calamus, the site address being N5874 USH "151".

Motion by Travis Schultz to approve the conditional use permit to allow for the creation of an approximate 3.4-acre nonfarm single family residential lot within the A-1 Prime Agricultural Zoning District subject to the following conditions:

1. The applicant shall obtain the required land division approvals for the proposed lot from the County and local municipalities if required, prior to the creation of these lots;
2. The proposed non-farm residential lot shall not exceed 5.4-acres in area unless the lot is successfully rezoned out of the A-1 Prime Agricultural Zoning District;
3. Only one single family residential unit may be located on the proposed non-farm residential lot unless this lot is successfully rezoned into a zoning district which allows additional residential units;
4. The acreage of the proposed non-farm residential lot shall count towards the total non-farm residential acreage that can be created from the base farm tract for this property;
5. A "Notice of Zoning Limitations" document shall be recorded with the Dodge County Register of Deeds Office for the following parcels which make up the "base farm tract" which notifies the potential buyers of these parcels that there may be limitations as to the number of new lots that can be created from this base farm tract:
 - 008-1113-2331-000; 008-1113-2342-000; 008-1113-2332-000;
6. The owner and subsequent owners of this non-farm residential lot hereby agree to comply with Subsection 9.2, Right to Farm provisions of the Dodge County Land Use Code and that they will not cause unnecessary interference with adjoining farming operations producing agricultural products and using generally accepted agricultural practices, including access to active farming operations;
7. The decision of the Committee shall expire one year after the decision is filed with the Department unless construction has been diligently pursued, a Certificate of Zoning Compliance has been issued, the use is established, or the Conditional Use Permit is renewed, for a period not to exceed one year.
8. The Conditional Use Permit shall also expire upon termination of a project or if the rights granted by the permit are discontinued for 180 consecutive days.

Second by Mary Bobholz Vote 5-0 Motion carried.

TOWN REZONING REQUESTS

Ronald and Kristine Rennhack – Part of the NW ¼ of the NW ¼, Section 34, Town of Lowell, Dodge County, Wisconsin, the site address being N5240 Blackbird Road. Petition to rezone 2-acres of land under the Town of Lowell Zoning Ordinance, from the Ag1 General Agricultural Zoning District to the RC-1 Rural Cluster Residential Zoning District has been submitted by the Town of Lowell Town Board to the Dodge County Board of Supervisors for approval.

Motion by Mary Bobholz to submit a favorable recommendation to the County Board of Supervisors on the rezoning request to rezone 2-acres of land under the Town of Lowell Zoning Ordinance, from the AG1 General Agricultural Zoning District to the RC-1 Rural Cluster Residential Zoning District.

Second by Travis Schultz Vote 5-0 Motion carried.

Double H Enterprises LLC – Part of the NE ¼ of the SE ¼, Section 1, Town of Theresa, Dodge County Wisconsin, the site address being N9450 Mohawk Road. Petition to rezone approximately 19.4-acres of land under the Town of Theresa Zoning Ordinance, from the AG-2 General Agriculture Zoning District to the C-1 Commercial Zoning District and to rezone approximately 3.68-acres of land from the R-1 Residential Zoning District to the C-1 Commercial District has been submitted by the Town of Theresa Town Board to the Dodge County Board of Supervisors for approval to allow for the creation of two commercial lots at this location.

Motion by Allen Behl to submit a favorable recommendation to the County Board of Supervisors on the rezoning request to rezone approximately 3.68-acres of land from the R-1 Residential Zoning District to the C-1 Commercial District to allow for the creation of two commercial lots at this location.

Second by Mary Bobholz Vote 5-0 Motion carried.

Nathan Straseske and Christopher Meyer – Part of the NW ¼ of the NE ¼, Section 10, Village of Kekoskee, Dodge County, Wisconsin, along the northwest corner of Kummerow Road and County Road TW. Petition to rezone approximately 14.1-acres of land under the Village of Kekoskee Zoning Ordinance, from the FP-Farmland Preservation Zoning District to the Agricultural (General) Zoning District has been submitted by the Village of Kekoskee Village Board to the Dodge County Board of Supervisors to allow for the construction of a residence on this lot.

Motion by Mary Bobholz to submit a favorable recommendation to the County Board of Supervisors on the rezoning request to rezone approximately 14.1-acres of land under the Village of Kekoskee Zoning Ordinance, from the FP-Farmland Preservation Zoning District to the Agricultural (General) Zoning District to allow for the construction of a residence on this lot.

Second by Allen Behl Vote 5-0 Motion carried.

Russell and Kristine Schroeder Living Trust – Part of the SE ¼ of the NE ¼, Section 32, Village of Kekoskee, Dodge County, Wisconsin, along the north side of Old Highway 28 Road between the site addresses of N7479 and N7631 Old Highway 28 Road. Petition to rezone approximately 11.16-acres of land under the Village of Kekoskee Zoning Ordinance, from the FP-Farmland Preservation Zoning District to the R-Residential Zoning District has been submitted by the Village of Kekoskee Village Board to the Dodge County Board of Supervisors to allow for the creation of 6 residential lots at this location.

Motion by Travis Schultz to submit a favorable recommendation to the County Board of Supervisors on the rezoning request to

Second by Mary Bobholz Vote 5-0 Motion carried.

ADMINISTRATION BUSINESS

1. The minutes from the August 17, 2020 meeting were reviewed by the Committee.

Motion by Travis Schultz to approve the minutes as written.

Second by Mary Bobholz Vote: 5-0 Motion carried.

2. No Committee Member Reports

3. No additional Per Diems

Motion by order of the chair to adjourn the meeting.

Meeting adjourned at 9:00 p.m.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Allen Behl". The signature is written in black ink and is positioned above a horizontal line.

Allen Behl, Secretary

Disclaimer: The above minutes may be approved, amended or corrected at the next committee meeting.